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OFFICE OF PETITIONS

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| In re Application of | : | |
| Dutta et al. | : | DECISION ON PETITION TO |
| Application No. 09/535,581 | : | WITHDRAW HOLDING OF |
| Filed: 27 March, 2000 | : | ABANDONMENT |
| Atty. Docket No. AUS990891US1 | : | |

This is a decision on the petition filed on 10 January, 2007, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 26 July, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 4 January, 2007.

Petitioner asserts that the Office action mailed on 26 July, 2005, was not received.

A review of the official file reveals that although the non-final Office action has been entered in the Office PALM system as having been mailed on 26 July, 2005, no copy of the Office action mailed on 26 July, 2005, is located in the Image File Wrapper (IFW) system. As such, the date of mailing of the Office action cannot be verified. As such, it is concluded that the Office action may not have been mailed a result of Office error.

Additionally, petitioner has submitted a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the

Holding of Abandonment When Office Actions Are Not Received" 1156
Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c).

As such, there was an irregularity in the mailing of the Notice
mailed on 25 July, 2005.

Accordingly, the Notice of Abandonment is hereby vacated and the
holding of abandonment withdrawn.

The application file is being referred to Technology Center 3600
technical support staff for remailing of the Office action mailed
on 26 July, 2005. The period for reply will be reset from the
mailing date thereof.

Telephone inquiries concerning this matter may be directed to the
undersigned at (571)272-3231.



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